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Intellectual Property Law Patents Trademarks Copyrights

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January 28, 2004

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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FEB 10 2004  
GROUP 3600

**Applicant: David W. Pratt**  
**Serial No.: 09/681,814**  
**Filed: 06/11/2001**  
**For: Dual Function Bailer**  
**Our Reference No.: 1053.18**

**Examiner: Dean J. Kramer**  
**Art Unit: 3652**  
**Confirmation No.: 6882**

Dear Sir:

In response to the Decision on Petition to Withdraw the Holding of Abandonment mailed on January 20, 2004, we enclose the following:

1. Statement of Facts In Support of Timely Filed Response to the Office Action dated December 24, 2002 having a Certificate of Mailing dated January 28, 2004;
2. Copy of response to non-final examiner's action having a Certificate of Facsimile Transmission dated March 14, 2003 (9 pages);
3. Copy of Auto-Reply Facsimile Transmission indicating timely receipt by the Office (1 page); and
4. Self-addressed and postage pre-paid post card to serve as a receipt for items 1 and 3.

Very respectfully,

**SMITH & HOPEN**

By: Ronald E. Smith  
ron.smith@baypatents.com  
RES/sb  
Encl.

**CERTIFICATE OF MAILING**  
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 28, 2004.

Date: January 28, 2004

Shelley Butz



Patitioner's Docket No.: 1053.18

**PATENTS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

**David W. Pratt**

Serial No.: **09/681,814**

Filed: **06/11/2002**

For: **Dual Function Bailer**

Examiner: **Dean J. Kramer**

Art Unit: **3652**

Confirmation No. **6882**

**RECEIVED**

**FEB 10 2004**

**GROUP 3600**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION OF FACTS IN SUPPORT OF TIMELY FILED RESPONSE TO  
OUTSTANDING OFFICE ACTION DATED DECEMBER 24, 2002**

I, Deborah Preza, hereby state the following:

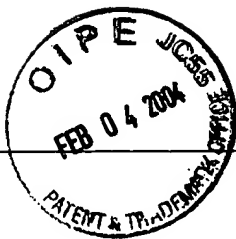
The original response to the non-final examiner's action mailed on December 24, 2004 was timely transmitted to the Office's Official Facsimile Number for the Technology Center 3600 having a Certificate of Facsimile Transmission dated March 14, 2003.

**DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Deborah Preza  
Smith & Hopen, PA  
15950 Bay Vista Drive  
Suite 220  
Clearwater, Florida 33760



CERTIFICATE OF MAILING

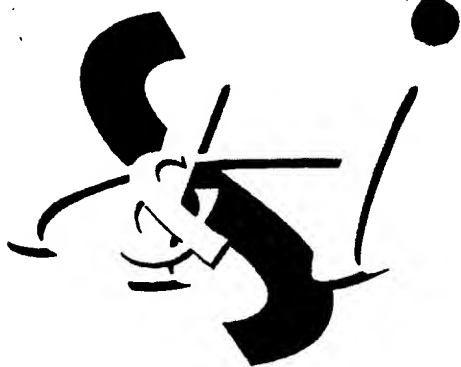
(37 CFR § 1.8)

I HEREBY CERTIFY that this correspondence is being deposited with the United States Postal Service as first class mail an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 28, 2004

Date: January 28, 2004

Shelley Butz  
Shelley Butz

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**GROUP 3800**



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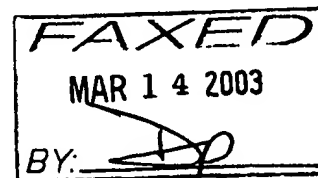
**COPY**

**FAX**

I N T E L L E C T U A L   P R O P E R T Y   L A   W

To:	U.S. Patent & Trademark Office	From:	Ronald E. Smith
Attn:	DeanJ. Kramer - Art Unit 3652	Client:	1053.18
Fax:	(703) 872-9326	Pages:	9 including coversheet
Phone:	(703) 308-2181	Date:	March 14, 2003
Re:	USSN 09/681,814	CC:	David W. Pratt

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David W. Pratt

Serial No.: 09/681,814

Filed: 06/11/2001

For: Dual Function Baller



Art Unit: 3652

Examiner: Kramer, Dean J.

**COPY**

Faxed to Technology Center 3700 at (703) 872-9326  
Box Non-Fee Amendment  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is an independent inventor. A statement was already filed.

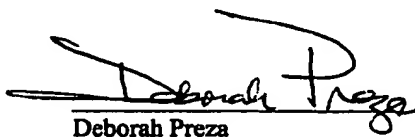
**EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
(37 C.F.R. 1.8(a))

I HEREBY CERTIFY that this Amendment A, including Introductory Comments, Amendments to the Claims, and Remarks, is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 3652, Attn: Dean J. Kramer, (703) 872-9326 on March 14, 2003.

Dated: March 14, 2003

  
Deborah Preza



# COPY

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)	SMALL ENTITY	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee
Total	1	Minus	20	= 0	x \$9 =	\$0
Indep.	1	Minus	3	= 0	x \$42 =	\$0
First Presentation of Multiple Dependent Claim					+ \$140 =	\$0
Total						Addit. Fee \$0

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
  - \*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

## FEE DEFICIENCY

5. If any additional extension and/or fee is required, charge Deposit Account No. 500745.  
If any additional fee for claims is required, charge Deposit Account No. 500745.

SIGNATURE OF PRACTITIONER

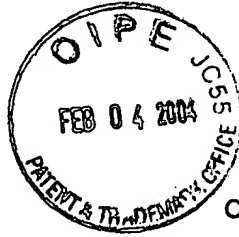
Reg. No. 28,761  
Tel. No.: (727) 507-8558

Ronald E. Smith  
Smith & Hopen, P.A.  
15950 Bay Vista Drive, Ste. 220  
Clearwater, FL 33760



UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 20 2004



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JAN 20 2004

OFFICE OF THE DIRECTOR  
TC 3600

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ALEXANDRIA, VA 22313-1450  
www.uspto.gov

SMITH & HOPEN PA  
15950 BAY VISTA DRIVE  
SUITE 220  
CLEARWATER, FL 33760

Paper No. 7

In re Application of  
David W. Pratt  
Application No. 09/681,814  
Filed: June 11, 2001  
For: DUAL FUNCTION BAILER

:  
:  
: **DECISION ON PETITION**  
: **TO WITHDRAW THE**  
: **HOLDING OF ABANDONMENT**

This is a decision on applicant's response filed September 3, 2003 which has been treated as a petition to withdraw the holding of abandonment.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated December 24, 2002 and a Notice to that effect was mailed on August 19, 2003.

Petitioner states that a response was filed on March 14, 2003 by facsimile transmission. The copy of the response submitted with the petition includes a Certificate of Transmission dated March 14, 2003 and a USPTO return facsimile receipt dated the same.

However the USPTO return facsimile receipt does not specify what was submitted by applicant.

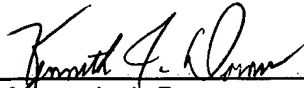
Any petition to withdraw the holding of abandonment based upon a Certificate of Transmission by facsimile must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate.

Therefore a statement under 37 C.F.R. 1.8(b)(3), as noted above, is needed from Deborah Preza attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate for the petition to be granted.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."



---

Kenneth J. Dorner  
Special Programs Examiner  
Patent Technology Center 3600  
(703) 308-0866

KJD/cps: 1/14/03



TO:Auto-reply fax to 7275078668 COMPANY:

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## Auto-Reply Facsimile Transmission



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TO:

Fax Sender at 7275078668

Fax Information

Date Received:

3/14/03 3:10:42 PM [Eastern Standard Time]

Total Pages:

9 (including cover page)

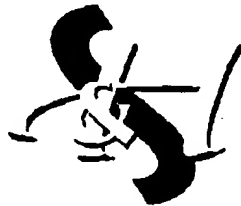
**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received at the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

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Page  
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03/14/2003 03:08 FAX 7275078668

Smith&amp;Hopen, P.A.

001/008



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To: U.S. Patent & Trademark Office	From: Ronald E. Smith
Attn: Dean J. Kramer - A1 Unit 3652	Client: 1033.18
Fax: (703) 872-9326	Pages: 9 including coversheet
Phone: (703) 308-2181	Date: March 14, 2003
Re: USPN 09/681,814	CC: David W. Pratt
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